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Serial No. 10/583,594

PD030132
Customer No. 24498**REMARKS**

Claims 1-10 are pending.

Claims 1-10 are rejected.

Claim 1 is amended is claim a new order of method steps. Such an arrangement is found in the specification on page 9, lines 8 to 20, and in other places. Claim 1 is also amended to recite a point-to-point connection. Such a feature is disclosed in the specification on page 15, lines 15-17 (describing the stream manager service), and page 15, lines 29 to page 16, line 2, and in other places. The claimed "common bus" element is disclosed in the specification on page 7, lines 4-11, FIG. 1, and in other places.

Claim 6 is amended in a similar as Claim 1, especially considering the element of the "point-to-point" connection. Support for this element is found in the specification on page 15, lines 15-17, page 15, lines 29 to page 16, line 2, and in other places.

No new matter was entered in view of these amendments.

Rejection of Claims 1, 2, 5-7 and 10 under 35 U.S.C. 103(a)

The Examiner rejected Claims 1, 2, 5-7, and 10 under 35 U.S.C. 103(a) as being anticipated by Goto (U.S. Patent No. 5,291,343, hereafter referred to as 'Goto').

Applicant disagrees with this ground of rejection.

In Claim 1, as amended, the claim recites the use of a common bus that is used for communications and for having the "digital data" go between devices. Goto does not have this configuration. Instead, it appears that Goto makes use of multiple types of connections between devices (such as antenna wire 9, antenna line 10, AV-connecting line 11, information path 1, and the like). That is, Goto teaches that multiple types of different communication paths need to be used in order to implement

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the disclosed invention. The invention of Claim 1 is different in that common wire/wireless bus can be used for the invention.

Additionally, there is no disclosure of "automatically setting up a point-to-point connection between the data source appliance...in order to assist in the implementation of an instant-recording function on the recording appliance upon selection of a recording function" where "the recording apparatus starts recording the digital data stream...after the new point-to-point connection has been established" in Goto.

That is, Goto has, for instance, pre-existing connections between the devices such as in AV-Connecting Line 11 and Information Path 1. Such connections are not "new point-to-point connections" that would be created and broken down as the resources are required between the data source appliance, data sink appliance, and recording appliance of Claim 1. Moreover, the recording operation will occur "after" the point-to-point connection is established. Goto would not take this timing into account because it does not create "new" point-to-point connections.

Also, the claimed "identifying via the user interface the data source appliance in the network that is streaming said data over the existing digital data connection to the data sink appliance station". The Examiner's use of Goto with the effective Official Notice of a physical remote control would not take such a feature into account. Moreover, the "streaming" aspect of this claimed element is not disclosed or suggested in Goto.

For the reasons given above, Claim 1 is deemed to be patentable. Also, Claims 2, 5-7, and 10 are patentable as such claims depend on allowable Claim 1.

Rejection of Claims 3, 4, 8 and 9 under 35 U.S.C. 103(a)

The Examiner rejected Claims 3, 4, 8 and 9 under 35 U.S.C. 103(a) as being unpatentable over Goto in view of Kou et al. (U.S. Patent Publication No.

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2002/0078293A1, hereafter referred to as 'Kou'). Applicant disagrees with this ground of rejection.

The comments below are being repeated in that the Examiner did not provide any grounds for rebutting the Applicants' arguments for Claims 3-4 and 8-9. That is, although the Examiner provided argumentation why Claims 1 and 6 are not patentable in view of Goto, the Examiner in the Final Rejection did not provide any rationale why the Applicants' previous and therefore restated arguments were not persuasive regarding the combination of Goto and Kou for Claims 3-4 and 8-9.

Kou relates to a method for controlling devices in a Home network. Kou discloses a network of distributed stations comprising a data source appliance (212), a data sink appliance (216) and a recording appliance (VCR).

Kou was cited to show selection and control of devices in a home network wherein a user interface appliance is a display appliance for video images, the user interface is based on a graphical user interface and the data sink appliance is an amplifier device. Kou mainly concerns the concentration of responsibility for establishing a connection on a single dedicated controller. The main goal of Kou is to reduce the workload required by a controller dedicated to control distributed stations (Kou [014]). There is no mention or suggestion in Kou of the problem of "*instant-recording function*" nor does it suggest that Kou could support an instant recording function as claimed in Claim 1.

Kou focuses on two different operations:

- Allocation of a sufficient bandwidth to a target device cf. [0017]; and
- Choose a suitable output of target device for delivering the digital output [0018].

Jumping to the second element of amended Claim 1, Applicant respectfully maintains that the identification of possible connections by Kou, similarly to Goto,

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neither discloses nor suggests "identifying a data source appliance" or "checking for the existing data connections which have been set up for the data sink or the user interface" as recited in claim 1.

An illustration of the difference between the present claimed arrangement and Kou is shown by following our example; step 510 of Kou would lead to the following type of connections:

STB as source → DTV as sink then

STB as source → DVR as sink then

DVR as source → DTV as sink etc

Among the various listed possible connections, one finds the existing connection (STB → DTV) but for the invention, as explained above, the identification of existing connection has mainly the effect of identifying a data source appliance currently delivering data to a data sink appliance. Kou does not disclose or suggest anything to reach this effect because from this list of various possible connections one cannot distinguish a (single) data source appliance but two (STB or DVR) and in this particular case the DVR is not delivering anything, so it is not possible to record data output by DVR. Hence, similarly to Goto, this element of Claim 1 is not disclosed by Kou.

As previously noticed, in step 520 and 530 and in [0070] [0071] Kou discloses successive steps:

- A selection of an output in a source device for allowing to set up a connection (step 520);
- A selection of sink device able to select an input device for sending data to said sink device (step 530);
- Sending command from a control device to target devices connected to the network (step 540).

« [0069] In step 520 of FIG. 5, with reference also to FIG. 4A, for a selected source device such as VCR 440, output select button 452 is used to select a particular

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output plug. For example, for a connection over network bus 230, serial bus output plug 420 is selected. Bandwidth for the connection is allocated and an isochronous channel number is assigned. Typically, the bandwidth and channel number are provided by the Isochronous Resource Manager (IRM) in an IEEE 1394 AV/C network. The channel number is stored as a state variable so that it can be queried by sink devices (e.g., TV 430) that want to receive the output.

[0070] In step 530 of FIG. 5, with reference still to FIG. 4A as well, for a selected sink device such as TV 430, input-select button 451 is used to select a particular input device (source device) such as VCR 440 and a particular input plug.

[0071] In step 540 of FIG. 5, AV/C controller 450 can be used to send commands (e.g., volume change, play, record, etc.) to the target devices on the network. »

Then, Kou, similarly to Goto, does not teach or suggest "automatically setting-up a point to point connection between the data source appliance, for which a connection to the data sink appliance or to the user interface appliance has been set up, and the recording appliance in order to assist in the implementation of an instant-recording function on the recording appliance upon selection of a recording function" as recited in claim 1.

Therefore, claim 1 is new in view of Goto and Kou, when taken alone or in combination, because nothing in these references discloses or suggests the features of Claim 1.

For the reasons given above, Claim 1 is patentable. Likewise, Claim 6 is patentable for the same reasons given for Claim 1. Dependent Claims 3 and 4 and Claims 8 and 9 are also patentable as such claims depend on Claims 1 and 6, respectively.

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Having fully addressed the Examiner's rejections, it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at the phone number below, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,

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